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28,437-A

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TO: United States Patent and Trademark Office

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DATE: May 9, 2006

Re: Serial No.: 10/666,439 - Ernesto Cohan

No. of Pages (including cover sheet): 3

COMMENTS:

Following two pages contains substitute claims appendix for Applicant:

Ernesto Cohan's Brief on Appeal currently on file.

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28,437-A

Art Unit 3636
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner Milton Nelson

Paper No.

Applicant: Ernesto Cohan

Serial No.: 10/666/439

Filed: 09/22/2003

Commissioner For Patents
Post Office Box 1450 - Mail Stop AF
Alexandria, VA 22313-1450

Sir:

Responsive to office letter dated April 13, 2006, please substitute the enclosed Amended Claims Appendix, designated as page 8, for the Claims Appendix currently on file in Applicant's Brief.

Respectfully,



Charles E. Temko
Attorney for Applicant

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Dated: May 9, 2006



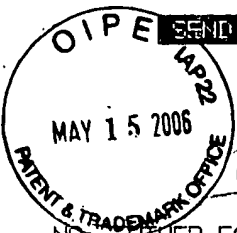
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AMENDED CLAIMS APPENDIX

Claim 9 (Pending) A unitary cover for upholstered chairs and sofas comprising: a hollow shell of resilient fabric having a peripheral edge, an elastic member for contracting said edge to maintain said cover upon an engaged article of furniture, said cover including a plurality of interconnected panels overlying a rectangular cushion forming part of said article, said panels including a rear panel having first and second parts lying in separate planes disposed at a mutual angle to provide a degree of excess material in an area at the rear of said cushion; the material comprising said first and second parts being normally concealed from view and providing excess material for movement over said cushion when said cushion is sat upon by a user, said excess material contracting when said cushion is vacated.

Claim 10 (Pending) A cover in accordance with claim 9, wherein excess material formed by said first and said second parts may be disposed beneath a lower edge of a back panel of said sofa concealed from view; and a resilient elongated tube positioned over said excess material to distribute stress over the width of said cover portion to provide a contractive force through said first and second parts.



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